THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NOs.6239, 6261, AND 6295 OF 2003

W.P.NO.6239 OF 2003.

Between:

1. M.Ramesh s/o Satyanarayana,
   Aged about 32 years, Near Check Tower,
   Nalgonda and 4 others

….Petitioners

A n d

1. The Managing Director,
   Central Power Distribution Company
   of A.P., limited, Vidyuth Soudha,
   Khairatabad, Hyderabad and another

…. Respondents

W.P.NO.6261 OF 2003

Between**:**

1. U.Srinivasa Rao, s/o Vikramagena Rao,
   Aged about 32 years, R/o H.No.8-78,
   Seetharampuram, Miryalagyuda,
   Nalgonda District and 4 others

…. Petitioeners

A n d

1. The Managing Director,
   Central Power Distribution Company

of A.P., limited, Vidyuth Soudha,

Khairatabad, Hyderabad and another

…. Respondents

WRIT PETITION NOs.6295 OF 2003

Between:

1.D.Padma Reddy s/o Krishna Reddy,

Aged about 33 years,

R/o Gottimukkula,

Devarakonda Mandal,

Nalgonda District and 4 others.

… Petitioners.

A n d

1. The Managing Director,

Central Power Distribution Company of

A.P., Limited,

Vidyuth Soudha,

Khairatabad, Hyderabad and another

…. Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NOs.6239, 6261, AND 6295 OF 2003

COMMON ORDER:

Sri Samineni Kishore, learned counsel for the respondents submits that B.P.Ms.No.36 has not been repealed and its benefits are still available subject

to availability of vacancies. As at present, no vacancies in the 50% of the posts allocable for being filled up in accordance with B.P.Ms.No.36 are available, except for absorbing candidates belonging to the scheduled castes, scheduled tribes and physically handicapped, is the submission as well as the assertion in the counter-affidavit filed on behalf of the respondents.

All the petitioners claim to be persons who were in the casual employment of the erstwhile APSEB and entitled to the benefits of the scheme of absorption provided in B.P.Ms.No.36, dated 18-05-1997. The petitioners' applications for the benefits were, however, rejected on the ground that they could not be accommodated in the 50% of available posts allocated for absorption under B.P.Ms.No.36. However, the petitioners rely on Clause 6 of B.P.Ms.No.271, dated 31-12-1997, which clarifies that if any Court directions are received after the interviews are conducted, to consider the cases of ex-Casual Labours, Villages Electricity workers and Contract Labour, interviews be conducted to such cases once in three months commencing from January, 1998, for consideration against the existing vacancies or future vacancies, as the case may be.

From the provisions of Clause 6 of B.P.Ms.No.271, dated 31-12-1997, it would appear that the scheme of absorption of ex-Casual Labour etc., qua the benefits granted in B.P.Ms.36 are still being continued and such of those former casual employees of the APSEB who remain unabsorbed would be considered for absorption in future vacancies also. Sri Kishore, learned standing counsel for the respondents categorically states that the scheme of absorption under B.P.Ms.No.36 has not been repealed.

In the circumstances, the petitioners are entitled to be considered for absorption in 50% of the vacancies in such of those posts in which the benefits of B.P.Ms.No.36 have been applied for regular appointment to service.

Writ petitions are accordingly disposed of directing the respondents to consider the case of the petitioners in each of these writ petitions in future vacancies, arising after the date of this order, for absorption in accordance with the scheme under B.P.Ms.No.36, dated 18-05-1997. No costs.

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31-08-2005

Note:

CC in one week.

Lrkm